

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION V

RELEASED  
DATE 11/27/88  
RIN #  
INITIALS ROS fmc

DATE: SEP 08 1988

SUBJECT: CAFO for Execution for  
Docket No. V-W-88-R-018

FROM: Basil G. Constantelos  
Director, Waste Management Division

TO: Valdas V. Adamkus  
Regional Administrator

Attached for your review and signature is a Consent Agreement and Final Order (CAFO) the terms of which require Amerdec, Inc., to close its hazardous waste storage facility located at 90 Le Baron, Waukegan, Illinois. The CAFO also requires Amerdec, Inc., to pay a civil penalty of \$1,000.

The initial complaint included a penalty of \$45,000. After reviewing the financial condition of the company, an amended complaint was issued and a subsequent penalty of \$1,000 was assessed. We recommend that you sign the order on behalf of Region V. When execution of signatures is complete, please return the signed CAFO to William E. Mmo, Acting Associate Director for the Office of RCRA Branch, for proper distribution of signed copies.

Attachment

INIT. DATE	TYP.	AUTH.	IL/IN TECH. ENF. SEC.	MI/WI TECH. ENF. SEC.	OH/MN TECH. ENF. SEC.	IL/MI/WI ENF. PROG. SECTION	IN/MN/OH ENF. PROG. SECTION	RCRA ENF. BR. CHIEF	O. R. A. D. D.	WMD
	<i>DP</i>	<i>b.p</i>				<i>P. SN</i> <i>8-22-88</i>		<i>SKS</i> <i>9-1-88</i>	<i>WEH</i> <i>9-1-88</i>	<i>9/8</i>

*9-10/88*  
*af 9/16/88*  
*9/9/88*  
*CP 9-8-88*

# RCRA CONSENT AGREEMENT AND FINAL ORDER SIGN-OFF

## PART I BACKGROUND

Facility Name Amerden  
 Facility RCRA ID Number N/A  
 Docket Number V-IV-88-2018  
 RES Assignee Barb Russell ORC Assignee Rich Clarizio  
 Summary of Agreement Remove non-resinous waste, recycle  
resinous waste, pay penalty of \$30,000 \$1,000

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 SEP 02 1988

## PART II CONCURRENCES ON DRAFT CAFO

	Initials	Date	Agree	Disagree
RES Assignee	B.S.R.	6/1/88	✓	_____
Chief, RCRA Enf. Unit <small>SECT.</small>	P.P.D.	6-7-88	✓	_____
Chief, RCRA Enf. Branch <small>BRANCH</small>	P.T.W.	6-10-88	✓	_____
Asst. Regional Counsel	<i>[Signature]</i>	6/6/88	✓	_____
Chief, S.W.E.R. Sect.	V.M.G.	6/7/88	✓	_____

WITH COMMENT, RETYPE IN PROPER CAFO FORMAT, ADD DOCKET NO.

## PART III RETURN TO ORC ASSIGNEE FOR TRANSMITTAL OF DRAFT TO THE FACILITY

## PART IV FINAL CAFO APPROVAL

REB Assignee	S/In B.R.	8/30/88	✓	_____
Chief, RCRA Enf. Section	P.P.D.	8/24/88	✓	_____
Chief, RCRA Enf. Branch	SKS	9-1-88	X	_____
Assoc. Dir., Office of RCRA	WEM	9-1-88	✓	_____
Asst. Regional Counsel	<i>[Signature]</i>	9/6/88	✓	_____
Chief, S.W.E.R. Section	hct	9/10/88	✓	_____
Chief, S.W.E.R. Branch	_____	_____	_____	_____
Deputy, Regional Counsel	_____	_____	_____	_____
Regional Counsel	_____	_____	_____	_____
Director, WMD	<i>[Signature]</i>	9/8/88	✓	_____
Regional Administrator	<i>[Signature]</i>	9/9/88	✓	_____

## PART V RETURN TO D. REAPE, 5HS-13, FOR MAILING

## PENALTY COMPUTATION WORKSHEET

Company Name: Amerdec, Inc.Regulation Violated: 35 IAC 703.121, 724.111, 724.113(a) and (b), 724.114(a), (b), and (c), 724.115(a), (b), and (d), 724.131, 724.135, 724.137, 724.151(a), 724.153, 724.173, 724.175, 724.176, 724.212(a), 724.242(a), 724.271, 724.273(a), and 724.274

Assessments for each violation should be determined on separate worksheets and totalled.

Part I - Seriousness of Violation Penalty

1. Potential for Harm: MAJOR
2. Extent of Deviation: MAJOR
3. Matrix Cell Range: \$20,000 - \$25,000
- Penalty Amount Chosen: \$22,500
- Justification for Penalty Amount Chosen: Midpoint
4. Per-Day Assessment: \_\_\_\_\_

See attached justification  
regarding the grouping  
of all 724 violations.

Part II - Penalty Adjustments

- |   | <u>Percentage Change*</u> | <u>Dollar Amount</u> |
|---|---------------------------|----------------------|
| 1. Good faith efforts to comply/lack of good faith: | _____                     | _____                |
| 2. Degree of willfulness and/or negligence:         | _____                     | _____                |
| 3. History of Noncompliance:                        | _____                     | _____                |
| 4. Other Unique Factors:                            | _____                     | _____                |
| 5. Justification for Adjustments: <u>N/A</u>        |                           |                      |

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INITIALS ROS/jmc

6. Adjusted Per-day Penalty (Line 4, Part I + Lines 1-4, Part II): 22,500
7. Number of Days of Violation: \_\_\_\_\_
8. Multi-day Penalty (Number of days X Line 6, Part II): \_\_\_\_\_
9. Economic Benefit of Noncompliance: -0-

Justification: N/A

10. Total (Lines 8 + 9, Part II): 22,500
11. Ability to Pay Adjustment: -0-

Justification for Adjustment: N/A

12. Total Penalty Amount  
(must not exceed \$25,000 per day of violation): \$22,500

\* Percentage adjustments are applied to the dollar amount calculated on Line 4, Part I.



## RCRA PENALTY COMPUTATION JUSTIFICATION

### REGULATIONS VIOLATED:

### POTENTIAL VIOLATED: MAJOR

Facility is operating as a TSD without a RCRA Permit and has failed to meet the permit requirements contained in 724. Facility was found to be storing hazardous waste in drums without meeting the regulatory safeguards of RCRA.

This poses a significant potential for harm. Additionally, several drums were stored open, one drum was leaking and the storage area was not secured from unauthorized entry further adding to the potential for harm.

### EXTENT OF DEVIATION CATEGORY: MAJOR

Operating a facility without meeting any of the statutory or regulatory requirements of RCRA is a Major deviation from the relative requirement.

PENALTY ASSESSED THIS VIOLATION: \$22,500

### JUSTIFICATION

This facility has violated virtually every regulation contained in the Illinois Administrative Code (IAC) Part 724. If a penalty was calculated for each violation cited, the resulting penalty would be excessive and pose an economic hardship since the facility has annual sales of around \$3 million annually. Therefore, I have grouped the 724 violations together in order to arrive at a more reasonable penalty that is consistent with Agency policy and Guidelines.

Sharon T. - for log update.  
11/6/89 J.D. # 14D 161 401 476  
AMERDEC INC.  
90 LE BARON 545-6650  
WAUKEGAN, ILL. 60085  
2314  
2-423/710  
1/27/89 19  
AY TO THE ORDER OF Treasurer of United States \$ 500.00  
Five Hundred Dollars  
northwest national bank  
NORTHWEST NATIONAL BANK OF CHICAGO  
3965 MILWAUKEE AVE., CHICAGO, IL 60641  
FOR 2nd installment of 2.  
"002314" "071004239"  
284 11134 1118  
1/30/89  
US EPA Region V  
Finances & Accounting  
230 South Dearborn Street  
Chicago, Illinois 60604  
REC'D UNDER CD NO. 876  
DATED 1/30/89  
AMOUNT \$ 500.00  
88977

re: Consent Agreement and Final Order

Dear Mrs. Allegratti:

This letter is to acknowledge receipt of the Consent Agreement and Final Order (CAFO) signed by yourself. A fully executed copy of the CAFO is enclosed for your file.

Your cooperation in resolving this matter is appreciated.

Sincerely yours,

David G. Ullrich

Dave Ullrich  
Associate Division Director  
Office of RCRA

Enclosure

cc: Gary King, IEPA  
Glen Savage, IEPA  
Harry Chappel, IEPA

RELEASED  
DATE 11/27/89  
RIN #  
INITIALS RDS for mc

AMERDEC INC.  
90 LE BARON 545-6650  
WAUKEGAN, ILL. 60085

=1 of 2

2143

2-423/710

10/6/88

19

PAY TO THE ORDER OF Treasurer of the U.S.A. \$ 500.00

Five Hundred Dollars -----00/00



FOR Docket # RCRA-V-W-88-R-018

⑈002143⑈ ⑆071004239⑆

284⑈434⑈8⑈

*Magdalena Allegretti*

US EPA Region V  
Finance & Accounting  
2300 W. Dearborn Street  
Chicago, Illinois 60604  
CHRG NO. 007  
10/1/88  
\$ 500.00  
RE. DATED AMOUNT  
88977  
VW 88 RD 18

1st Payment

RELEASED  
DATE 11/27/18  
RIN #  
INITIALS RDS for MC

ATTACHMENT 1  
PENALTY SUMMARY

RELEASED  
DATE 11/27/18  
RIN #  
INITIALS RDS for mc

Regulation Applicable at Time of Violation*	Correspond- ing Federal Regulation 40 CFR	Nature of Requirement [Date of Violation]	Penalty Assessed
703.121	270.1(c)	RCRA Permit [1/29/87] [2/18/87]	
724.111	264.11	Identification [1/29/87] [2/18/87]	
724.112(c)	264.12(c)	Required Notices [1/29/87] [2/18/87]	
724.113(a)&(b)	264.13(a)&(b)	Waste Analysis [1/29/87] [2/18/87]	
724.114(a),(b)&(c)	264.14(a),(b)&(c)	Security [1/29/87] [2/18/87]	
724.115(a),(b)&(d)	264.15(a),(b)&(d)	Inspection Requirements [1/29/87] [2/18/87]	
724.131	264.31	Design and Operation of Facility [1/29/87] [2/18/87]	
724.135	264.35	Required Aisle Space [1/29/87] [2/18/87]	
724.137	264.37	Arrangements with Local Authorities [1/29/87] [2/18/87]	
724.151(a)	264.51(a)	Purpose and Implementation of Con- tingency Plan [1/29/87] [2/18/87]	
724.153	264.53	Copies of Contingency Plan [1/29/87] [2/18/87]	
724.173	264.73	Operating Record [1/29/87] [2/18/87]	
724.175	264.75	Annual Report [1/29/87] [2/18/87]	
724.176	264.76	Unmanifested Waste Report [1/29/87] [2/18/87]	
724.212(a)	264.112(a)	Closure Plan [1/29/87] [2/18/87]	
724.242(a)	264.142(a)	Cost Estimate for Closure [1/29/87] [2/18/87]	
724.271	264.171	Condition of Containers [1/29/87] [2/18/87]	
724.273(a)	264.173(a)	Management of Containers [1/29/87] [2/18/87]	
724.274	264.174	Inspections [1/29/87] [2/18/87]	\$22,500
723.111	263.11	U.S. EPA Identification number [1/29/87] [2/18/87]	
723.112	263.12	Transfer Facility Requirements [1/29/87] [2/18/87]	
723.120(a)	263.20(a)	Manifest System [1/29/87] [2/18/87]	\$22,500
Total			\$45,000

\*35 III. Adm. Code



## PENALTY COMPLETION WORKSHEET

RELEASED  
 DATE 4/27/18  
 RIN #  
 INITIALS NOS for MC

Company Name: AMERDEC, Inc.Regulation Violated: 35 IAC 724.213, and 724.215 - 40 CFR 264.113 + 115.

Assessments for each violation should be determined on separate worksheets and totalled.

Part I - Seriousness of Violation Penalty

1. Potential for Harm: Major  
 2. Extent of Deviation: Major  
 3. Matrix Cell Range: \$20,000 to 25,000

Penalty Amount Chosen: \$22,500

Justification for Penalty Amount Chosen:

midpoint

4. Per-Day Assessment:

Facility failed to appear for written closure plan. appears to lack interest in expediting matters. Facility failed to complying with the regulations. Agency to discuss compliance with the regulations.

Part II - Penalty AdjustmentsPercentage ChangeDollar Amount

1. Good faith efforts to comply/lack of good faith:  
 2. Degree of willfulness and/or negligence:  
 3. History of Noncompliance:  
 4. Other Unique Factors:  
 5. Justification for Adjustments:  
 6. Adjusted Per-day Penalty (Line 4, Part I + Lines 1-4, Part II):  
 7. Number of Days of Violation:  
 8. Multi-day Penalty (Number of days X Line 6, Part II):  
 9. Economic Benefit of Noncompliance:

Justification:

10. Total (Lines 8 + 9, Part II):

11. Ability to Pay Adjustment:

Justification for Adjustment:

12. Total Penalty Amount  
 (must not exceed \$25,000 per day of violation):

\* Percentage adjustments are applied to the dollar amount calculated on Line 4, Part I.

Facility does not have an approved facility shows lack of interest in the appear for scheduled conference with the

RCRA PENALTY COMPUTATION - JUSTIFICATION

REGULATION(S) VIOLATED: 40 CFR 264.112 + 115 (35 IAC 725.212 + 215.)

POTENTIAL FOR HARM CATEGORY: MAJOR

Facility is operating as a TSD without filing a Part A  
In violation of regulations pertaining to analysis of waste,  
inspections, closure + financial assurance.

Violations poses a substantial likelihood of exposure to  
hazardous waste.

EXTENT OF DEVIATION CATEGORY: major

Failed to comply with TSD regulations. Facility does not  
have an approved written closure plan.

PENALTY ASSESSED THIS VIOLATION:

major / major = \$22,500